

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N # 2005-2W-185-P

July 22, 2005

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

BUD SUTHERLAND
C/O DOCK PERMITTING LIMITED
PO BOX 12880
CHARLESTON, SOUTH CAROLINA 29412

for a permit to construct additional walkway footage, a pier, a floating dock and a boatlift in a

tributary of James Island Creek

at and adjacent to 1269 Harbor View Road, James Island, Charleston County, South Carolina
(Latitude: 32.75155°, Longitude: -79.95436°)

In order to give all interested parties an opportunity to express their views

N O T I C E

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 22 AUGUST 2005

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of extending an existing walkway and adding a covered pier and floating dock. An new 4' x 635' walkway with handrails will be added to the end of the existing 4' x 202' walkway for a total of 837'. A 12' x 12' covered pierhead with handrails will be constructed at the end of the walkway. A 3' x 16' aluminum gangway will lead from the pierhead to an 8' x 15' floating dock located on the south side of the pierhead, and a 4-pile boatlift will be added to the north side of the pierhead. The purpose of this work is for the applicant's private recreational use.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

22 JULY 2005

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certification is received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the South Carolina Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project is likely to adversely affect the wood stork (*Mycteria americana*) which has a roosting area less than 500 feet from the proposed project location. This public notice serves as a request to the U.S. Fish and Wildlife Service to initiate formal consultation on this species, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended). A biological assessment (or other similar document) detailing our analysis of the effects of the action will be provided.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

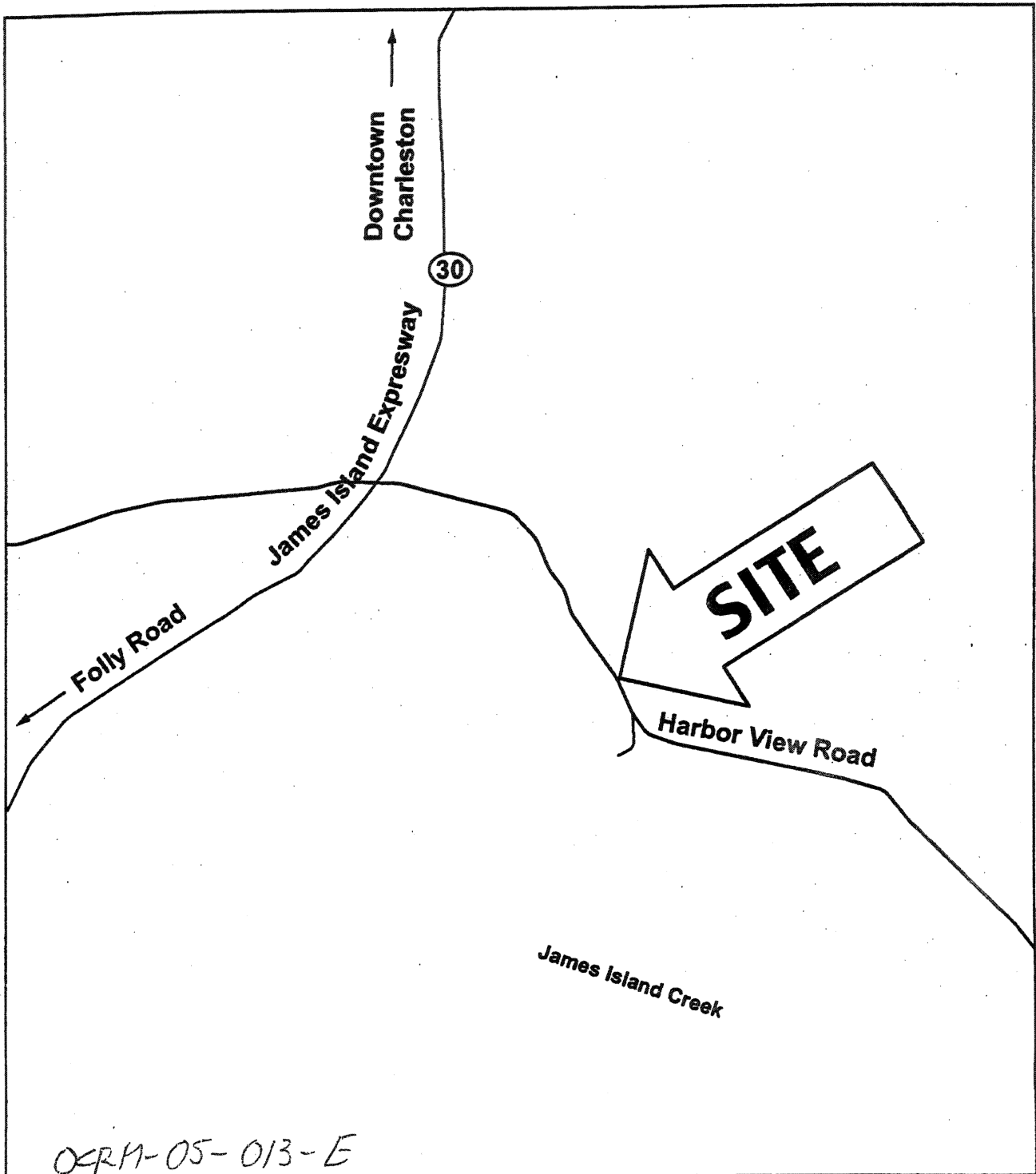
22 JULY 2005

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

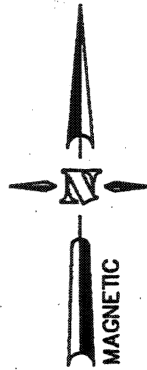
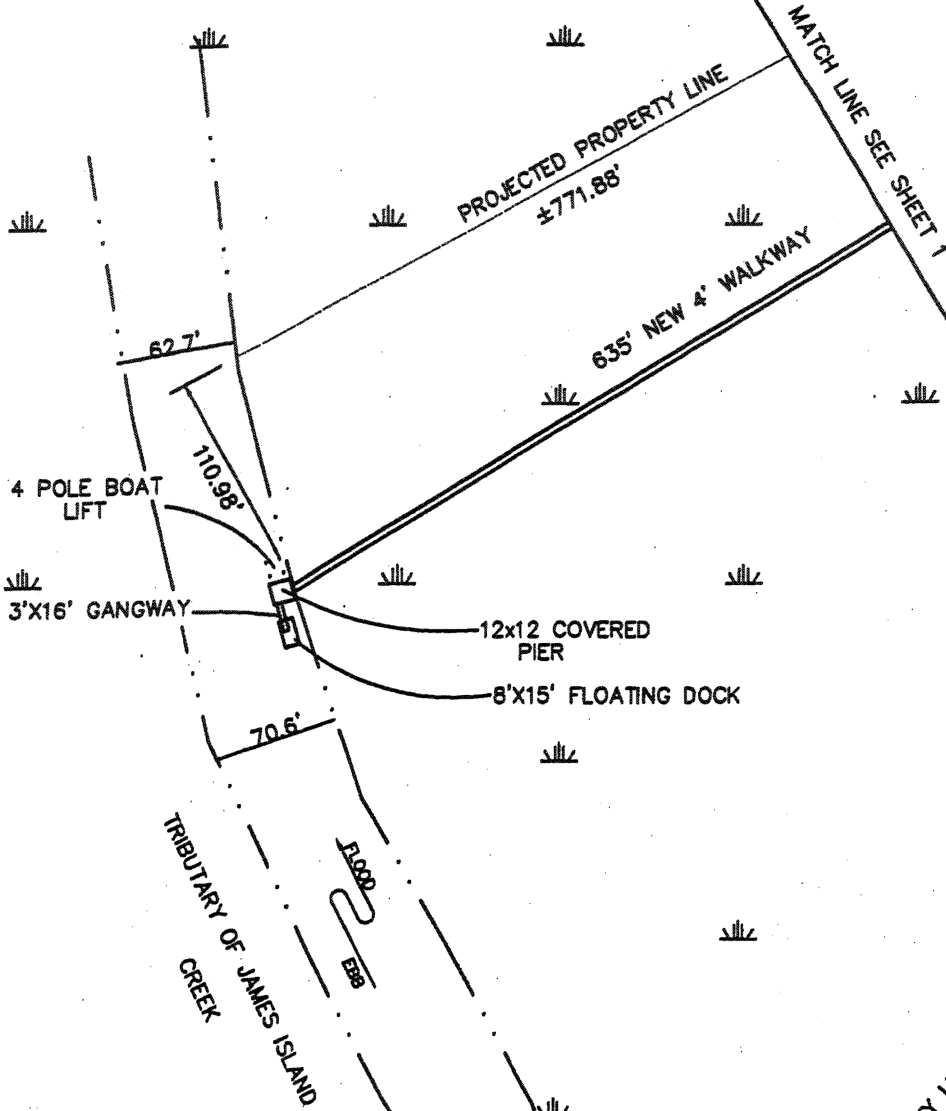


Robin Collier-Socha
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



<p>PROPOSED: PRIVATE DOCK CONSTRUCTION</p> <p><u>ADJACENT PROPERTY OWNERS</u></p> <ol style="list-style-type: none"> 1. Nancy & Joe Markovich 2. Jamie Mitchum 	<p>FIGURE 1</p> <p>SITE LOCATION MAP</p> <p>NOT TO SCALE</p> <p>BUD SUTHERLAND 1269 HARBOR VIEW ROAD CHARLESTON, SC 29412</p>	<p>PROPOSED: PRIVATE DOCK CONSTRUCTION</p> <p>IN: UN-NAMED TRIBUTARY</p> <p>NEAR: JAMES ISLAND CREEK</p> <p>COUNTY OF: CHARLESTON, SC</p> <p>APPLICATION BY: BUD SUTHERLAND</p> <p>P/N#: 100 2005-2W-185</p> <p>DATE: DECEMBER 23, 2004</p>
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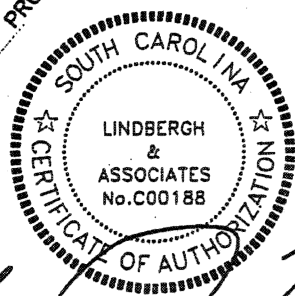
Sheet 1 of 6



DOCK SURVEY
SHEET 2 OF 2



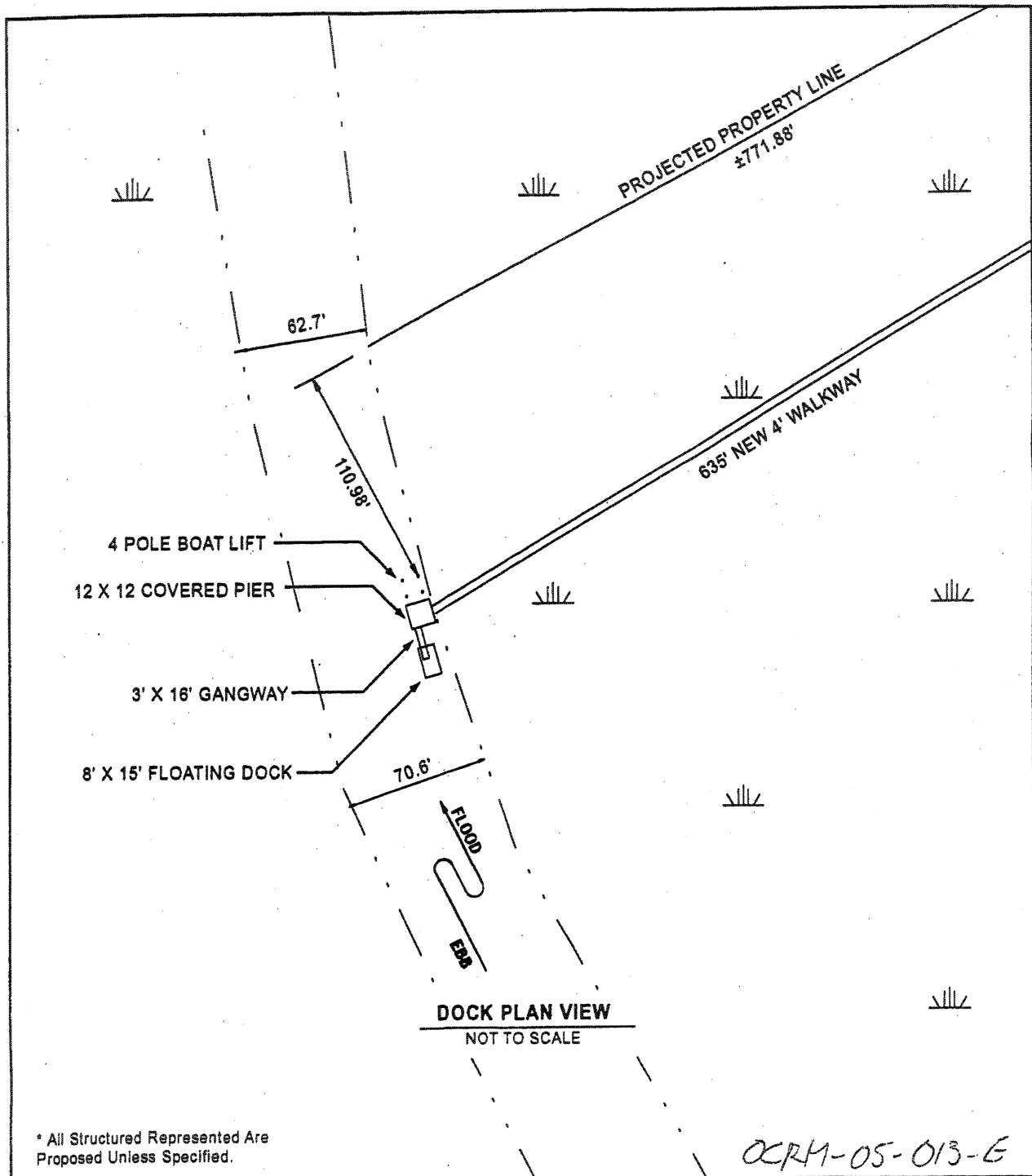
(IN FEET)
1 INCH = 100 FT.
GRAPHIC SCALE



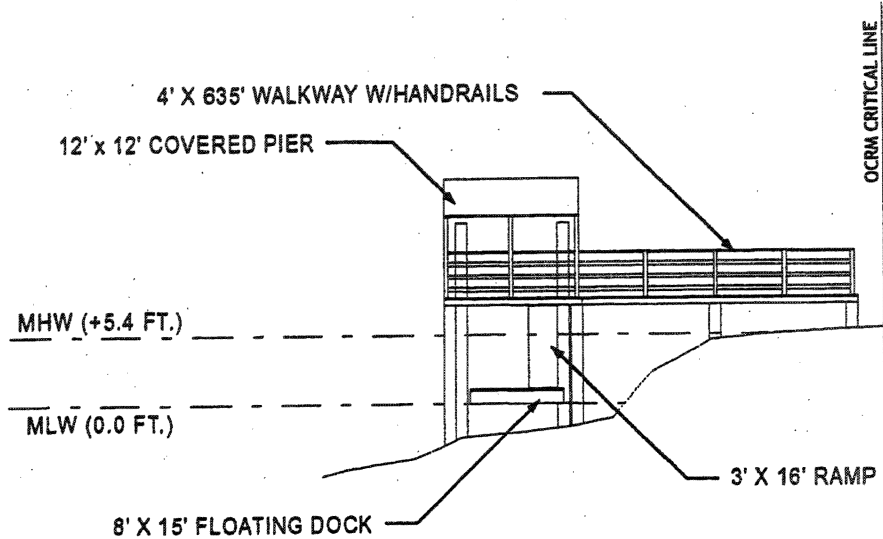
Frank D. Baker

OCR-05-013-E

<p>APPLICANT: MR. DONALD SUTERLAND</p> <p>ACTIVITY: PRIVATE RECREATIONAL DOCK</p>	<p>LOCATION: 1269 HARBOR VIEW ROAD JAMES ISLAND</p> <p>COUNTY: CHARLESTON</p> <p>DATE 12-07-04</p>	<p>ADJACENT OWNERS NANCY I. MARKOVITCH JAMIE B. MITCHUM KATHERINE I. THRASH WARREN COKER DAVID M. REISS</p>
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<p>PROPOSED: PRIVATE DOCK CONSTRUCTION</p> <p><u>ADJACENT PROPERTY OWNERS</u></p> <ol style="list-style-type: none"> 1. Nancy & Joe Markovich 2. Jamie Mitchum 	<p>FIGURE 2 DOCK PLAN VIEW</p> <p>NOT TO SCALE</p> <p>BUD SUTHERLAND 1269 HARBOR VIEW ROAD CHARLESTON, SC 29412</p>	<p>PROPOSED: PRIVATE DOCK CONSTRUCTION</p> <p>IN: UN-NAMED TRIBUTARY</p> <p>NEAR: JAMES ISLAND CREEK</p> <p>COUNTY OF: CHARLESTON, SC</p> <p>APPLICATION BY: BUD SUTHERLAND</p> <p>P/N#: TBB 2005-210-185</p> <p>DATE: DECEMBER 23, 2004</p>
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DOCK SIDE CROSS SECTION
NOT TO SCALE

* All Structured Represented Are
Proposed Unless Specified.

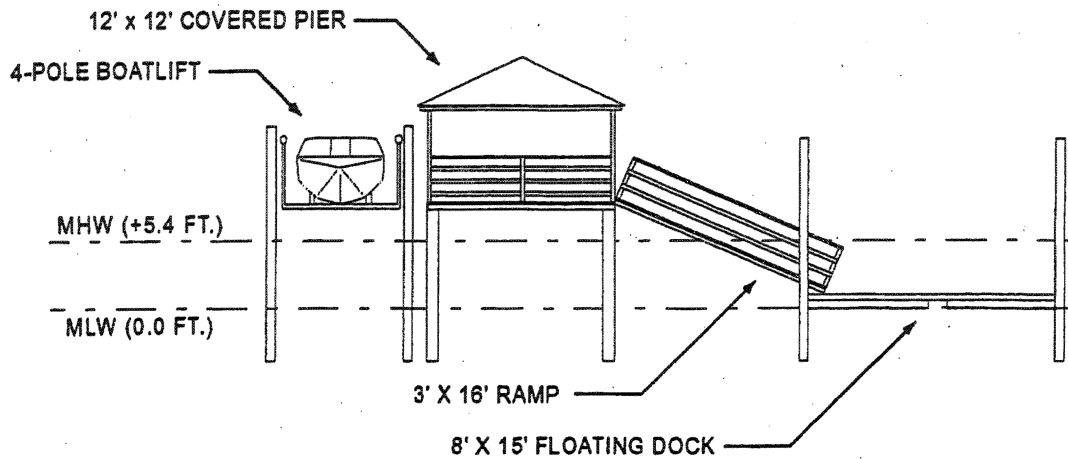
OCR-05-013-E

LEGEND

MHW MEAN HIGH WATER
MLW MEAN LOW WATER

<p>PROPOSED: PRIVATE DOCK CONSTRUCTION</p> <p><u>ADJACENT PROPERTY OWNERS</u></p> <ol style="list-style-type: none"> 1. Nancy & Joe Markovich 2. Jamie Mitchum 	<p>FIGURE 3 DOCK SIDE CROSS SECTION NOT TO SCALE</p> <p>BUD SUTHERLAND 1269 HARBOR VIEW ROAD CHARLESTON, SC 29412</p>	<p>PROPOSED: PRIVATE DOCK CONSTRUCTION</p> <p>IN: UN-NAMED TRIBUTARY</p> <p>NEAR: JAMES ISLAND CREEK</p> <p>COUNTY OF: CHARLESTON, SC</p> <p>APPLICATION BY: BUD SUTHERLAND</p> <p>P/N#: TBD 2005-20-185</p> <p>DATE: DECEMBER 23, 2004</p>
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Sheet 5 of 6



DOCK FRONT CROSS SECTION
NOT TO SCALE

* All Structured Represented Are
Proposed Unless Specified.

OCRM-05-013-E

LEGEND

MHW MEAN HIGH WATER
MLW MEAN LOW WATER

PROPOSED: PRIVATE DOCK
CONSTRUCTION

ADJACENT PROPERTY OWNERS

1. Nancy & Joe Markovich
2. Jamie Mitchum

FIGURE 4
DOCK FRONT
CROSS SECTION

NOT TO SCALE

BUD SUTHERLAND
1269 HARBOR VIEW ROAD
CHARLESTON, SC 29412

PROPOSED: PRIVATE DOCK
CONSTRUCTION

IN: UN-NAMED TRIBUTARY
NEAR: JAMES ISLAND CREEK
COUNTY OF: CHARLESTON, SC
APPLICATION BY: BUD SUTHERLAND
PN#: ~~2005-20-185~~
DATE: DECEMBER 23, 2004